

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

MARCH 13, 2003

The Marlboro Township Council held a regularly scheduled Council Meeting on March 13, 2003 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Karcher opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 13, 2002; mailed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Denkensohn, Councilman Kovalski, Council Vice President Mione, Councilwoman Singer and Council President Karcher.

Also present were: Mayor Scannapieco, Township Attorney John O. Bennett, Fred Raffetto, Esq., Business Administrator Chris Marion, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

At 8:15PM, Councilman Kovalski moved that the meeting go into executive session for reason of discussing personnel. This was seconded by Council President Karcher, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 2003-69

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 13th day of March, 2003 to go into executive session for the purpose of discussing those items that are particularly exempted from the

Open Public Meetings Act, namely personnel, acquisition of property and contract negotiations.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 15 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 8:25PM, Councilman Denkensohn moved that the meeting be opened. This was seconded by Council President Karcher, and as there was no objection, the Clerk was asked to cast one ballot. A 10 minute recess was called.

At 9:15PM, Councilman Denkensohn moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Councilman Kovalski, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called, and the executive session commenced at 9:30PM.

RESOLUTION # 2003-73

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 13th day of March, 2003 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely anticipated litigation, acquisition of property and contract negotiations.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action will be taken following the executive session.

At 12:05 AM, Councilman Denkensohn moved that the meeting be opened. This was seconded by Councilman Kovalski, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution # 2003-70 (Introduction of 2003 Municipal Budget) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-70

Section 1.

Municipal Budget of the Township of Marlboro, County of Monmouth for the Year 2003.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Fiscal year 2003;

BE IT FURTHER RESOLVED, that said Budget be published in the Asbury Park Press in the issue of March 20, 2003.

The Governing Body of the Township of Marlboro does hereby approve the following as the Budget for the Year 2003,

Notice is hereby given that the Budget and the Tax Resolution was approved by the Governing Body of the Township of Marlboro, County of Monmouth, on March 13, 2003.

A Hearing on the Budget and Tax Resolution will be held at the Town Hall/Municipal Building, on April 10, 2003 at 8 o'clock (PM) at which time and place objections to said Budget and Tax Resolution for the year 2003 may be presented by taxpayer or other interest persons.

* Copies of attached material to be found in regular minute book in Clerk's office.

The following Resolution # 2003-71 (Swim Pool - Daily Passes/Reimbursement) was introduced by reference, offered by Councilwoman Singer, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-71

RESOLUTION ESTABLISHING ADDITIONAL SWIM DIVISION
REGULATIONS AND FEES FOR THE YEAR 2003

WHEREAS, Chapter 132 of the Marlboro Township Code, entitled "Swimming Pool Facility, Municipal", provides that certain swim

facility regulations and fees shall be established by Resolution of the Township Council on an annual basis; and

WHEREAS, the Swim Division Board of Directors has reviewed the Swim Facility programs for the 2003 season and has proposed additional regulations and fees for approval by the Township Council; and

WHEREAS, the Township Council, having considered the proposed additional regulations and fees for 2003, now wishes to provide its approval of the same as follows.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the following additional regulations and fees for daily pass memberships shall be established for the 2003 season:

1. The number of daily pass memberships (dailies) which shall be available to residents for the 2003 season shall be limited to a maximum number of two hundred (200) daily passes. A daily pass shall entitle a resident to use the facility, subject to specific regulations and in accordance with the schedule set forth below. On any given day, the sale of daily passes may be limited or curtailed by the Swim Club Director, based upon the scheduling of special programs and/or events, attendance at the facility, and/or the availability of parking. Daily passes shall entitle a resident to use the facility as follows in 2003:

Saturday, May 17 through Sunday, June 15 - During this period, daily passes will be available anytime the facility is open to the general membership.

Monday, June 16 through Sunday, July 20 - Blackout Period - During this peak summer period, daily passes will not be available due to high attendance and limited parking at the facility.

Monday, July 21 through Sunday, August 31 - During this period, daily passes will be available on the following days, anytime the facility is open to the general membership:

July 21st through July 31st

August 1st

August 4th through August 8th

August 11th through August 31st

2. The fees for daily passes for the 2003 season shall be as follows:

- (a) Adult \$10.00
- (b) Child [over 2 years of age, \$ 8.00
under 21 years of age]
- (c) Senior [62 years of age \$ 8.00
by May 1st]

3. The following regulations shall apply to daily pass memberships:

- (a) A daily pass can only be used on the date of sale.
- (b) There shall be no refund of the fee paid for a daily pass.
- (c) Any adult or any child (15) years of age or older, intending to purchase a daily pass, must present proof of residence, such as a high school ID card, a driver's license or a bill at their home address.
- (d) Any child under the age of (15) years will not be permitted to enter the facility with a daily pass, unless accompanied by an adult.
- (e) Any swim club rule or regulation applicable to the general membership shall also apply to any person entering the facility on a daily pass.
- (f) Each person using the facility on a daily basis shall be issued a numbered daily pass stub which they shall retain while they are using the facility.
- (g) The only program available to attendees using the swim facility on a daily pass shall be private swim lessons, which shall be available at an additional fee.

BE IT FURTHER RESOLVED that in accordance with Section 132-4L of the Township Code, the following additional regulations and fees shall be established for employee reimbursements for the 2003 season:

1. The reimbursement policy for any person completing the 2002 or 2003 Lifeguard Training Course offered by the Marlboro Swim Club shall be as follows:

- (a) During the first summer of employment after completing the course, the employee must be available to work the regular weekly schedule that is assigned to them. During the first summer of employment, the employee shall work no less than (250) hours, through and including Labor Day. [Special arrangements may be made if the employee must leave for college or for his or her regular employment prior to the Labor Day weekend.] Any employee meeting these terms will be mailed a reimbursement check in October for (50%) of the course fee paid. If an employee does not meet these terms, the employee's reimbursement may be prorated at the discretion of the Swim Club Director.
- (b) During the second summer of employment after completing the course, the employee must be available to work the regular weekly schedule that is assigned to them. During the second summer of employment, the employee shall work no less than (250) hours, through and including Labor Day. [Special arrangements may be made if the employee must leave for college or for his or her regular employment prior to the Labor Day weekend.] Any employee meeting these terms will be mailed a reimbursement check in October for the remaining (50%) of the course fee paid. If an employee does not meet these terms, their reimbursement may be prorated at the discretion of the Swim Club Director.

2. If a swim club employee registers for a relevant course or program offered by an organization other than the Marlboro Swim Club, and if the employee taking the course or program intends to apply to the swim club for reimbursement for the cost of the course or program completed, that employee must receive prior authorization from the Swim Club Director in order to be eligible for such reimbursement. During the first summer of employment after completing the course or program, the employee must be available to work no less than (250) hours and work the regular weekly schedule that is assigned to them. If applicable, the employee must work through and including Labor Day. [Special arrangements may be made if the employee must leave for college or for his or her regular employment prior to the Labor Day weekend.] Any employee meeting these terms will be mailed a reimbursement check in October for

(50%) to (100%) of the course or program fee paid. The final amount of the reimbursement shall be determined by the Swim Club Director. If an employee does not meet these terms, the employee's reimbursement may be prorated at the discretion of the Swim Club Director.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- (a) Arthur Lawrence, Swim Director
- (b) Marlboro Swim Club Division
- (c) Township Administrator
- (d) Township Attorney

Resolution # 2003-72 (Sale of Consumption Licenses at Open Public Auction) was tabled to the March 27th agenda.

After discussion, the following Resolution # 2003-13 (Section 208 Amendment) was introduced by reference, offered by Councilman Kovalski, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor, with Councilman Mione abstaining.

RESOLUTION # 2003-13

RESOLUTION AMENDING SECTION 208 WATER QUALITY MANAGEMENT
PLAN TO INCLUDE ADDITIONAL PROPERTIES

WHEREAS, a request has been made to amend the Township Section 208 Water Quality Management Plan (the "Plan") to include certain properties which are partially surrounded by the existing service area and/or adjacent thereto; and

WHEREAS, the proposed properties to be included in the Plan are Lots 20 and 24 in Block 146, Lots 8 and 9 in Block 159, Lots 23, 25, 26, 28, 29 and 30 in Block 415 and Lots 27 & 29 in Block 172, as designated on the Marlboro Township Tax Map; and

WHEREAS, a recommendation has been made by the Township Engineer for the inclusion in the Plan of the aforesaid additional properties; and

WHEREAS, the Township Council of the Township of Marlboro believes that the Plan should be amended in order to permit the inclusion of the aforesaid properties.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Township of Marlboro does hereby authorize an amendment to the Section 208 Water Quality Management Plan for the extension of sewer service to those properties set forth above.

2. That this consent shall be submitted to the New Jersey Department of Environmental Protection in accordance with N.J.A.C. 7:15-3.4.

3. That the Mayor is hereby authorized to execute a Statement of Consent and such other documents as are reasonably necessary to effectuate the intentions of this Resolution.

4. That the property owner(s) of the aforesaid properties to be included in the Plan shall pay all costs and fees associated with the amendment of the Plan and the inclusion of the said properties therein.

5. That a certified copy of this Resolution shall be provided to each of the following:

- a. New Jersey Department of Environmental Protection
- b. Executive Director, Western Monmouth Utilities Authority
- c. T&M Associates (Attn: Glenn R. DiGiovanni, P.E.)
- d. Township Engineer
- e. Township Administrator
- f. Township Attorney

The following Resolution # 2003-74 (Authoring Professional Services North American) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-74

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO
ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH
NORTH AMERICAN REALTY ADVISORY SERVICES REGARDING THE
REDEVELOPMENT OF THE MARLBORO STATE HOSPITAL SITE

WHEREAS, there exists a continued need for the Township of Marlboro to retain the services of a realty professional in order to perform various tasks associated with the Township's redevelopment of the Marlboro State Hospital Property; and

WHEREAS, the services will include, among other things, assisting the Township in meeting with State officials, as necessary, to review how the site's development plan was created and the developer selection process adopted by the Township; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize North American Realty Advisory Services to provide the aforesaid services with regard to the Township's redevelopment of the Marlboro State Hospital Property.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and North American Realty Advisory Services, with regard to the aforesaid services, as per the proposal dated March 11, 2003, to be revised and attached hereto.

2. That, in accordance with the said proposal dated March 11, 2003, to be revised, North American Realty Advisory Services is hereby authorized to meet with State officials, as necessary, to explain how the development plan was created, the selection process adopted by the Township, and how the State and Township can achieve mutual objectives, as set forth therein.

3. That the services to be performed shall be on an hourly basis as outlined in Schedule A of the attached proposal, with a cap on the total expenditure in the amount not to exceed \$6,000.00 for said services. Further authorization from the Township Council shall be required for any expenditure beyond said amount.

4. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with *N.J.S.A. 40A:11-5*, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

5. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding available for same. The Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

6. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

7. That a certified copy of this Resolution shall be provided to each of the following:

- a. North American Realty Advisory Services
(Attn: David J. Daddario)
- b. Francis X. Regan, Esq.
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Attorney

At 12:30PM, Councilman Kovalski moved that the meeting be adjourned. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: April 24, 2003

OFFERED BY: Kovalski AYES: 5

SECONDED BY: Denkensohn NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

ELLEN KARCHER
COUNCIL PRESIDENT

